

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**BOARD OF TRUSTEES OF THE OHIO
LABORERS' FRINGE BENEFIT PROGRAMS,**

Plaintiff,

vs.

**Case No.: 2:19-cv-1304
JUDGE GEORGE C. SMITH
Magistrate Judge Jolson**

D&R MASONRY, INC.,

Defendant.

ORDER

On July 1, 2019, the Magistrate Judge issued a Report and Recommendation recommending that the Court grant Plaintiffs' Motion for Order to Show Cause Why Certain Persons Should Not Be Held in Contempt of Court (the "Show Cause Motion") (Doc. 9). The Court previously ordered "that Defendant, through an authorized agent, appear for deposition on a date and time as determined by the Plaintiff and produce the documents requested in Plaintiff's Notice of Deposition and Request for Production of Documents." (*Id.* at 1). The Order was served on Defendant by certified mail, but he failed to comply. Consequently, Plaintiffs filed the Show Cause Motion.

The parties were specifically advised of their right to object to the *Report and Recommendation* and of the consequences of their failure to do so. There has nevertheless been no objection to the *Report and Recommendation*.

Accordingly, the *Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**. Plaintiffs' Show Cause Motion is hereby **GRANTED**. Defendant D&R Masonry and Ralph Robertson are hereby in Contempt of this Court. If Defendant does not comply with this Court's

May 23, 2019 Order (Doc. 8) within 21 days of this Order, a warrant will be issued for the arrest of Ralph Robertson and he will be imprisoned until such time as he complies with the aforementioned Order. Defendant may purge itself of this contempt ruling and above imprisonment by contacting Plaintiff and Plaintiff's counsel to resolve this matter.

The Clerk shall remove Documents 9 and 12 from the Court's pending motions list.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT